

UNITED STATES DISTRICT COURT

for the

EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)	
)	Case No.: CR-22-167-RAW
Plaintiff,)	
v.)	Date: 06/04/2024
)	
NATHAN REX UPTON,)	Time: 1:12 p.m. – 1:41 p.m.
Defendant.)	

MINUTE SHEET – SENTENCING HEARING

U.S. District Court Judge Ronald A. White Teka Stephens, Deputy Clerk Karla McWhorter, Reporter
FTR Courtroom: 2 - Room 224

Counsel for Plaintiff: Caila Cleary, Asst. United States Attorney

Counsel for Defendant: Douglas Smith, II, Asst. Federal Public Defender ☒ Defendant appears in person with counsel

☒ Plaintiff & Defendant reviewed PSI:

☒ Government - Objections: ☐ Yes ☒ No

☒ Defendant - Objections: ☒ Yes ☐ No

☒ Findings: Objection Nos.: 1-4 by Defendant – OVERRULED; Defendant's Objection No. 5 has been resolved

☒ PSI will form factual basis for sentencing

☒ No Plea Agreement

☒ Court GRANTED Government's Motion for One Point Reduction.

ADDITIONAL MINUTES: Court inquired regarding victims. Government responded. Court made inquiry of defendant as to his change of plea before U.S. Magistrate Judge. Defendant and counsel responded confirming the consent. ENTERING FINDING and affirming the finding of guilt and acceptance of plea before the U.S. Magistrate Judge. **(RAW)**

☒ Defendant and counsel asked if they care to say anything prior to sentence being pronounced

☒ Statements by Government in aggravation/mitigation of punishment – Sentencing Memorandum filed

☒ Statements by defendant's counsel

☒ Statements by defendant

SENTENCE: As to Count 2 of the Indictment

☒ Bureau of Prisons for a term of 240 months

☒ Supervised Release for a term of 10 years

☒ Special Assessment: \$100.00

☐ Fine: _____

☐ Restitution: _____

☐ AVA Assessment: _____

☐ Concurrent ☐ Consecutive

☐ Concurrent ☐ Consecutive

☒ due immediately

☐ with interest ☐ interest waived

☐ with interest ☐ interest waived

☐ with interest ☐ interest waived

☒ **STANDARD CONDITIONS** of Supervised Release given, including the following **Special Conditions:**

1. Defendant shall comply with the requirements of the Sex Offender Registration and Notification Act as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which defendant reside, work, are a student, or are convicted of a qualifying offense. 2. Defendant shall attend and participate in a mental health treatment program and/or sex offender treatment program as approved and directed by the Probation Officer. Defendant shall abide by all program rules, requirements, and conditions of the sex offender treatment program, including

submission to polygraph testing to determine if defendant is in compliance with the conditions of release. Defendant may be required to contribute to the cost of services rendered in an amount to be determined by the probation officer, based on defendant's ability to pay. Any refusal to submit to assessment or tests as scheduled is a violation of the conditions of supervision. **3.** Defendant shall not possess or use a computer with access to any on-line computer service at any location (including place of employment) without the prior written approval of the probation officer. This includes any Internet Service provider, bulletin board system or any other public or private network or e-mail system. **4.** Defendant shall not view, purchase, possess, or distribute any form of pornography depicting sexually explicit conduct as defined in 18 U.S.C. §2256(2), unless approved for treatment purposes, or frequent any place where such material is the primary product for sale or entertainment. **5.** Defendant shall not be at any residence where children under the age of 18 are residing without the prior written permission of the United States Probation Office. **6.** Defendant shall not be associated with children under the age of 18 except in the presence of a responsible adult who is aware of defendant's background and current offense, and who has been approved by the United States Probation Officer. **7.** Defendant shall submit to a search conducted by a United States Probation Officer of defendant's person, residence, vehicle, electronic communication, data storage device, media, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of probation/supervised release. Failure to submit to a search may be grounds for revocation. **8.** Defendant shall consent to the United States Probation Officer conducting periodic unannounced examinations, without individual showing of reasonable suspicion, on any computer equipment, other electronic communication or data storage devices or media used by defendant. The examination may include assistance of other law enforcement agencies. This may include retrieval and copying of all data from the computer and any internal or external peripherals to ensure compliance with conditions and/or removal of such equipment for the purposes of conducting a more thorough inspection, and allow at the direction of the probation officer, installation on the defendant's computer, at defendant's expense per co-payment policy, any hardware or software systems to monitor the defendant's computer use. Defendant shall comply with a Computer Monitoring and Acceptable Use Contract, which includes a requirement that the defendant use a computer compatible with available monitoring systems. Defendant shall have no expectation of privacy regarding computer use or information stored on the computer. Defendant shall warn any other significant third parties that the computer(s) may be subject to monitoring. Any attempt to circumvent monitoring and examination may be grounds for revocation.

Defendant shall forfeit to the United States the personal property as set forth in the Preliminary Order of Forfeiture in this case.

☒ REASONS FOR IMPOSING SENTENCE given by Court

☒ Defendant advised of right to appeal ☐ Defendant gives oral notice of appeal

☒ Remaining counts ordered dismissed: Count 1 of the Indictment

☒ Defendant requested a BOP facility: Seagoville, TX to facilitate family contact ☒ So recommended by the Court.

Additional minutes: Defense counsel made oral objection to the sentence imposed.

Nothing further

☒ Defendant remanded to the custody of the U.S. Marshal

☒ Court adjourned